

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ISAAC MARK RAMIREZ,

Plaintiff,

v.

CIV 14-1107 JCH/KBM

MIKE HEREDIA,  
J. BEAIRD,

Defendants.

**ORDER ADOPTING CHIEF MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND CONCLUSIONS OF LAW**

The Chief Magistrate Judge filed her Proposed Findings and Conclusions of Law on February 1, 2016 (*Doc. 32*) in which she recommended that Defendants' Martinez Report (*Doc. 24*), which she construed as a Motion for Summary Judgment, be granted, that Plaintiff's Cross-Motion for Summary Judgment (*Doc. 27*) be denied, and that Plaintiff's Motion for Evidentiary Hearing (*Doc. 22*) be denied. The proposed findings notify the parties of their ability to file objections and that failure to do so waives appellate review. As of today, no objections have been filed and there is nothing in the record indicating that the proposed findings were not delivered.

Wherefore,

**IT IS HEREBY ORDERED AS FOLLOWS:**

1. The Chief Magistrate Judge's Proposed Findings and Conclusions of Law (*Doc. 32*) is **ADOPTED**;
2. Defendants' Martinez Report, construed as a Motion for Summary Judgment (*Doc. 24*), is **GRANTED**;

3. Plaintiff's Cross-Motion for Summary Judgment is **DENIED**;
4. Plaintiff's Motion for Evidentiary Hearing is **DENIED**;
5. Plaintiff's claims are **DISMISSED** with prejudice; and
6. A Final Order pursuant to Rule 58 of the Federal Rules of Civil Procedure will be entered dismissing Plaintiff's action with prejudice.

  
UNITED STATES DISTRICT JUDGE